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ATTY. DOCKET: CREATK/101/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of first named inventor: Albert C. West

Application No.: 10/611,581

Examiner: unk.

Filing Date: June 30, 2003

Group No.: unk.

For: Artificial Stone Material And Method Of Manufacture Thereof

Mail Stop Petition,
Commissioner for Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450

Sir:

**PETITION TO CORRECT CORRESPONDENCE FILING DATE FOR
"DATE-IN" INCORRECTLY ENTERED OR OMITTED ON EXPRESS MAIL LABEL,
37 C.F.R. §1.10(d)**

This is a petition to accord United States Patent Application No. 10/611,581 (the correspondence) a filing date of 06/30/2003, which is the date the correspondence was deposited with the U.S.P.S. with proper postage.

Facts

The following facts relate to the present petition to accord the correspondence a filing date of 06/30/2003:

- United States Application No. 10/611,581 was labeled as Express Mail Post Office To Addressee Service with Express Mail Label No. EV 283595274 US.
- United States Application No. 10/611,581 was deposited at 3:35 PM on 06/30/2003 in the USPS Express Mailbox located at 750 Main Street, Hartford, CT 06103.
- At 3:50 PM on 06/30/2003 a written and executed record was made reciting that United States Application No. 10/611,581 was deposited at 3:35 PM on 06/30/2003 in the USPS Express Mailbox located at 750 Main Street, Hartford, CT 06103.
- A filing receipt, mailed September 26, 2003, was received which accorded a filing date of July 1, 2003 to United States Application No. 10/611,581. See Exhibit A.

Points of Regulation

37 C.F.R. §1.10(d)(3) [61 FR 56447, Nov. 1 1996 as amended at 62 FR 53181, Oct. 10, 1997; 67 FR 36101, May 23, 2002] states that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail; and
- (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Basis For Request To Correct Correspondence Filing Date

The discrepancy in the filing date of application no. 10/611,581 was discovered upon receipt of the Filing Receipt mailed from the USPTO on September 26, 2003 and this petition is being filed promptly thereafter.

Applicant encloses true copies of the following documents:

1. A true copy of the first page of the Application Transmittal Letter. This copy shows the mailing date of June 30, 2003 and the Express Mail Label No. EV 283595274 US placed on this document prior to mailing. See Exhibit B.
2. A true copy of the specification first page for application no. 10/611,581 showing Express Mail Label No. EV 283595274 US in the lower left corner. See Exhibit C.

3. A true copy of one page from the firm Express Mail Log. The relevant entry within this page came into being within one business day of the deposit of the correspondence bearing Express Mail Label No. EV 283595274 US in the stand box located at 750 Main Street at 3:35 PM on June 30, 2003 as "Express Mail Post Office to Addressee" service of the USPS. See Exhibit D.
4. A true copy of a photograph showing the label attached to the Express Mail stand box at 750 Main Street into which the subject correspondence was mailed. Arrows have been added to indicate the last scheduled pick up time (4:00 PM), the stand box location (750 MAIN) and the date the label was printed (04/04/03). See Exhibit E.
5. A true copy of the U.S. Postal Service Collection Management System Scanner History Detail Report showing that the Express Mail Box at 750 Main Street, Hartford, CT has a scheduled pick up time of 4:00 PM and further showing that the actual last pick up time on 06/30/2003 was at 5:12 PM. See Exhibit F.


The facts and evidence establish that U.S. Application No. 10/611,581 was labeled as Express Mail Post Office to Addressee service with Express Mail Label No. EV 283595274 US prior to mailing and deposited into the United States Postal Service Express Mail stand box located at 750 Main Street, Hartford, CT 06103 on June 30, 2003 prior to the 4:00 PM indicated collection time and also prior to the 5:12 PM actual collection time.

Applicant petitions the United States Patent and Trademark Office to assign a filing date of 06/30/2003 to United States Patent Application No. 10/611,581.

Respectfully submitted,

Albert C. West

Date: 10/15/03
750 Main Street – Suite 1400
Hartford, CT 06103
(860) 527-9211

By: 
James E. Piotrowski, Reg. No. 43,860
Alix, Yale & Ristas, LLP
Attorney for Applicant



Atty. Docket: CREATK/101/US

In re patent application of first named inventor: Albert C. West

Application No.: 10/611,581 Examiner: unk.

Filing Date: July 1, 2003 Group Art Unit: unk.

For: Artificial Stone Material And Method Of Manufacture Thereof

TRANSMITTAL LETTER

Enclosed herewith is (are):

- Petition To Correct Correspondence Filing Date For "Date-In" Incorrectly Entered or Omitted On Express Mail Label 37 C.F.R. §1.10(d).
- Copy of U.S. Patent and Trademark Office "Filing Receipt" for the above-identified application (2 pages).
- Copy of Application Transmittal Letter filed with the above referenced application.
- Copy of specification first page for application no. 10/611,581 showing Express Mail Label No. EV 283595274 US in the lower left corner.
- Copy of page from firm Express Mail Log.
- Copy of picture of the Express Mail "Collection Times" label as posted on the Express Mail drop box located at 750 Main Street.
- Copy of "U.S. Postal Service, Collection Management System, Scanner History Detail Report" (2 pages).
- return receipt postcard.

It is hereby petitioned that any required extension of time be granted for filing the enclosed papers. An extension of 0 month(s) having a fee of \$0 appears required.

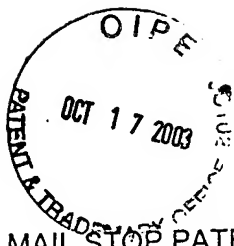
The Commissioner is hereby requested and authorized to charge Deposit Account 16-2563 of Alix, Yale & Ristas, LLP for any required extension fee and for any other fee, not enclosed herewith, due for any reason during the pendency of this application or in connection with the accompanying document, including (a) any filing fees under 37 CFR 1.16 for the presentation of extra claims and (b) any patent application processing fees under 37 CFR 1.17. A duplicate copy of this letter is enclosed.

Date: 10/15/03
Alix, Yale & Ristas, LLP
750 Main Street- Suite 1400
Hartford, CT 06103-2721
(860) 527-9211

By: [Signature]
James E. Piotrowski
Registration No. 43,860
Attorney for Applicant

The above signatory certifies that this correspondence is being deposited on the date given above with the United States Postal Service as First Class Mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450".

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Attorney Docket No. CREATK/101/US

MAIL STOP PATENT APPLICATION
Commissioner For Patents
P. O. BOX 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the ☒ Utility ☐ Design patent application of:

Inventors: ALBERT C. WEST
For: ARTIFICIAL STONE MATERIAL AND METHOD OF
MANUFACTURE THEREOF

Enclosed are:

- ☒ 18 Sheets Of Specification
- ☐ 0 Sheet(s) Containing _____ ☐ Formal ☐ Informal
- ☒ A Return Receipt Postcard.
- ☐ An Assignment Of The Invention (Signed/Unsigned)
- ☐ A Certified Copy Of A Priority Document, Application No.
- ☒ An Inventor's Declaration (Signed)
- ☐ An Original Verified Statement
- ☐ A Preliminary Amendment.
- ☒ A Request For Non-Publication Of Application - Under 35 U.S.C. § 122(b)(2)(B)(i)
is attached.

☐ If checked, this application is a:

- ☐ Continuation
- ☐ Continuation-In-Part
- ☐ Divisional

Application of prior United States Patent Application Number _____ previously examined
by _____ Examiner) in Group/Art Unit _____.

For Continuation or Divisional Applications: The entire disclosure of the prior application, from which an oath or declaration is supplied, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

I, hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on June 30, 2003, and is addressed to the "Mail Stop Patent Application, Commissioner For Patents) P. O. Box 1450, Alexandria, VA 22313-1450".

Doti Ann Lewis

EXPRESS MAIL: Mailing Label Number: EV 283595274 US

Page 1



ARTIFICIAL STONE MATERIAL AND METHOD OF MANUFACTURE THEREOF

Field of the Invention

- 5 This invention relates generally to a manmade material having an improved stone like appearance and comprising polymers. The artificial stone material can have a density of less than 1 g/cc.

Background of the Invention

- 10 Stone is considered a very desirable building material for its aesthetics. However, despite the desirable appeal of natural stone its use is limited by certain of its properties. In particular, natural stones are very dense, hard and have high specific gravity. Thus, stone materials are difficult to fabricate, difficult to use other than by the traditional lay up methods and require substantial structures to support the weight of the
- 15 stone fabrication. Some properties for natural stone materials are summarized in Table 1 below:

	TABLE 1	
material	specific gravity	density (lb/ft ³)
bluestone	2.5 - 2.6	159
granite	2.6 - 2.7	165
marble	2.6 - 2.9	170
sandstone	2.0 - 2.6	143
slate	2.6 - 2.9	172
cement ¹	1.5 - 2.4	100 - 144

¹ The specific gravity and density of cement materials will depend on the filler materials used.

- 20 In an effort to maintain the aesthetics appeal of natural stone products while overcoming some of their problems, various polymer-based solid surface materials have been produced. One example of such solid surface material is CORIAN, available from DuPont de NEMOURS and Company. These solid surface materials are easier to fabricate than natural stone products. Unfortunately, solid surface materials are

MISR/290/PC/US TJM
MAX/103/PC/US JEP
Create/101/US JEP
MCHH/110/US GDY
HARC/301/US "

STAN/308/PC TJM
UCM/204/US JEP
VBR/104/US TJM
MCHH/110/US GDY

KAZBA/149/PC XGP
WUNGR/104/US GDY
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STAN/345/PC/US D
HKPC/313/US
OMGR/28/US
OMGR/28/US
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DEL/110/US GDY
HARC/305/US
SER/126/PC/US
STAN/343/PC/US
UCM/190/PC/US

ABACUM/261/US RAB
Cheung/109/US GDY
Cheung/110/US
Cheung/112/US
HARC/307/US
UCM/205/US
KASPR/1384/PC

EV 117320828 US
EV 235258643 US
EV 283595274
EV 283595257 US
EV 321959096 US

EV 321 959 184 US
EV 283595288 US
EV 321 959 198 US
EV 283595243 US
EV 071484412 US

EV 235258793 US
EV 235258776 US
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EV 283595480 US
EV 283595226 US
EV 117318878 US
EV 283595209 US

EV 321 959 207 US
EV 283595172 US
EV 283595186 US
EV 283595141 US
EV 283595265 US
EV 283595155 US
EV 321 959 105 US

6-27-03 3:55 pm
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6-30-03 3:35 PM
6-30 4:36 P

7-1-03 10:19 am
7-2-03 10:45 AM
7-3-03 11:35 am
7-8 3:45 P.M.

7-9-03 3:45 p.m.
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3:00 P

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7-15 4:15 PM
7-15 12:30 AM

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6-30-03 10:30 AM
6-30-03 3:50 AM
6-30 4

7-1-03 10:21 am
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7-3-03 11:37 am
7-8 3:50 P

7-9-03 3:50 p.m.
7-10-03 1:10 P
7-10-03 11:35 AM
7-10-03 3:45 P

7-11 4:20 P
7-11
7-14 3:30 P.M.
7-15 9:15 AM
7-15 12:40 PM

7-15 1:24 pm
7-15
7-16 11:30 AM
7-16 12:05 PM

Mail Collection in this Area

EXPRESS MAIL COLLECTION TIMES

Monday

10:00 AM

4:00 PM



LOCATION OF THIS BOX

Postmark



Saturday

Sunday

Holiday

Express Mail deposited in this box will be delivered overnight or the second day depending upon the time deposited and the destination ZIP Code.

For specific deposit and delivery information for your shipment, call 1-800-222-1811 or your local post office.

Post Office

0610300041

For local information call:

(860) 240-7553

Location ID No.:

0610300041

Date, labeled on label

06/27/97

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For mail originating from the Office and going into 060-0000

Run Dat :10/03/03
Run Time:10:23:18

U.S. Postal Service
Collection Management System
Scanner History Detail Report

Pag : 1

Route Numb r:6103P001
Date of Scan:06/30/03
Carrier: D CARUSO

Location ID	Box Location	Box Type	Sched Time	Label Time	Actual Time	Sched/Label Variance	Status Messages	Belongs to Route
0610300024	20 CHURCH	FIRM	11:00AM	11:00AM	11:00AM	0:00	0:00 ON TIME	
0610300102	280 TRUMBULL ST	STAND	11:00AM	11:00AM	11:19AM	0:19	0:19 LATE TO BOTH	
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0610300086	280 TRUMBULL	EXPRES	11:00AM	11:00AM	11:20AM	0:20	0:20 LATE TO BOTH	
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0610300047	811 MAIN	STAND	11:00AM	11:00AM	11:23AM	0:23	0:23 LATE TO BOTH	
0610300046	811 MAIN	STAND	11:00AM	11:00AM	11:24AM	0:24	0:24 LATE TO BOTH	
0610300026	1 GOLD	STAND	11:00AM	11:00AM	11:28AM	0:28	0:28 LATE TO BOTH	
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0610300035	550 MAIN	STAND	11:00AM	11:00AM	11:39AM	0:39	0:39 LATE TO BOTH	
0610300036	624 MAIN	STAND	11:00AM	11:00AM	11:41AM	0:41	0:41 LATE TO BOTH	
0610300039	740 MAIN	STAND	11:00AM	11:00AM	11:43AM	0:43	0:43 LATE TO BOTH	
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0610300040	750 MAIN	STAND	11:00AM	11:00AM	11:45AM	0:45	0:45 LATE TO BOTH	
0610300048	900 MAIN	STAND	11:00AM	11:00AM	11:49AM	0:49	0:49 LATE TO BOTH	
0610300052	956 MAIN	STAND	11:00AM	11:00AM	11:51AM	0:51	0:51 LATE TO BOTH	
0610300070	450 COLUMBUS BLVD N	OTHER	11:00AM	11:00AM	11:57AM	0:57	0:57 LATE TO BOTH	
0610300099	450 COLUMBUS BLVD	STAND	11:00AM	11:00AM	11:58AM	0:58	0:58 LATE TO BOTH	
0610300003	1 AMERICAN ROW	STAND	11:00AM	11:00AM	12:03PM	1:03	1:03 LATE TO BOTH	
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0610500070	170 SISON AVE	STAND	1:00PM	1:00PM	1:31PM	0:31	0:31 LATE TO BOTH	
0610500049	178 S WHITNEY	STAND	1:00PM	1:00PM	1:34PM	0:34	0:34 LATE TO BOTH	
0610500050	140 WARRENTON	STAND	1:00PM	1:00PM	1:36PM	0:36	0:36 LATE TO BOTH	
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U.S. Postal Servic
Collection Managem nt System
Scanner History Detail Report

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Run Tim :10:23:18

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Dat of Scan:06/30/03
Carrier: D CARUSO

Location ID	Box Location	Box Type	Sched Time	Label Time	Actual Time	Sched/Label Variance	Status Messages	Belongs to Route
0610300086	280 TRUMBULL	EXPRESS	4:00PM	4:00PM	4:01PM	0:01	0:01 LATE TO BOTH	
0610300024	20 CHURCH	FIRM	4:00PM	4:00PM	4:07PM	0:07	0:07 LATE TO BOTH	
0610300003	1 AMERICAN ROW	STAND	4:00PM	4:00PM	4:17PM	0:17	0:17 LATE TO BOTH	
0610300032	450 MAIN	FIRM	4:00PM	4:00PM	4:30PM	0:30	0:30 LATE TO BOTH	
0610100005	141 WESTON ST	HUB/D	5:15PM	5:15PM	4:57PM	-0:18	-0:18 EARLY	
0610300035	550 MAIN	STAND	4:00PM	4:30PM	5:04PM	0:34	0:34 LATE TO BOTH	
0610300036	624 MAIN	STAND	4:00PM	4:00PM	5:07PM	1:07	1:07 LATE TO BOTH	
0610300039	740 MAIN	STAND	4:00PM	4:00PM	5:10PM	1:10	1:10 LATE TO BOTH	
0610300041	750 MAIN	EXPRESS	4:00PM	4:00PM	5:12PM	1:12	1:12 LATE TO BOTH	
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0610300040	750 MAIN	STAND	4:00PM	4:00PM	5:13PM	1:13	1:13 LATE TO BOTH	
0610300048	900 MAIN	STAND	4:00PM	4:00PM	5:18PM	1:18	1:18 LATE TO BOTH	
0610300052	956 MAIN	STAND	4:00PM	4:00PM	5:20PM	1:20	1:20 LATE TO BOTH	
0610300051	915 MAIN	STAND	5:00PM	5:00PM	5:22PM	0:22	0:22 LATE TO BOTH	
0610300047	811 MAIN	STAND	5:00PM	5:00PM	5:25PM	0:25	0:25 LATE TO BOTH	
0610300046	811 MAIN	STAND	5:00PM	5:00PM	5:25PM	0:25	0:25 LATE TO BOTH	
0610300044	777 MAIN	STAND	4:00PM	4:00PM	5:27PM	1:27	1:27 LATE TO BOTH	
0610300072	50 PROSPECT	STAND	4:00PM	4:00PM	5:31PM	1:31	1:31 LATE TO BOTH	
0610300071	46 PROSPECT	STAND	5:00PM	5:00PM	5:33PM	0:33	0:33 LATE TO BOTH	
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0610300084	196 TRUMBULL ST	STAND	5:00PM	5:00PM	5:47PM	0:47	0:47 LATE TO BOTH	
0610300089	242 TRUMBULL	STAND	5:00PM	5:00PM	5:48PM	0:48	0:48 LATE TO BOTH	
0610300081	242 TRUMBULL	STAND	5:00PM	5:00PM	5:49PM	0:49	0:49 LATE TO BOTH	
0610300083	315 TRUMBULL	OTHER	4:00PM	4:00PM	5:59PM	1:59	1:59 LATE TO BOTH	
** END of ROUTE **			7:30PM		06:30PM		NO END	

Total collection boxes assigned to this route : 67